



**Samuel Gitonga & Associates v Monarch Insurance Company Limited
(Miscellaneous Civil Application E672, E668, E350 & E677 of 2025
(Consolidated)) [2026] KEHC 2557 (KLR) (Civ) (24 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2557 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

**MISCELLANEOUS CIVIL APPLICATION E672,
E668, E350 & E677 OF 2025 (CONSOLIDATED)**

SN MUTUKU, J

FEBRUARY 24, 2026

BETWEEN

SAMUEL GITONGA & ASSOCIATES APPLICANT

AND

THE MONARCH INSURANCE COMPANY LIMITED RESPONDENT

RULING

The Applications

1. This Ruling relates to four applications in HCCCMISC/E672, E668, E350 and E677 of 2025 between the parties herein. The applications under determination are the Notices of Motion dated 3/9/2025 in HCCCMISE/672/2025 and HCCCMISC. E668/2025; dated 15/7/2025 in HCCCMISC. No. E350/2025 and dated 16/9/2025 in HCCCMISC. No. E677/2025.
2. In the Notice of Motion in HCCCMISC/E672/2025, the Applicant is seeking entry of judgment in the sum of Kshs170,800, being the principal sum, and interest from the date of service of the Certificate of Taxation on 2/9/2025 until payment in full as well as costs. The Application is supported by the grounds that upon entry of judgment on 23/5/2023, the Applicant sent a fee note to the Respondent but this was not settled necessitating filing of Bill of Costs which was taxed at the amount stated and a Certificate of Taxation issued 7/8/2025.
3. In the Notice of Motion in HCCCMISC/E688/2025, entry of judgment is sought in respect of Kshs 83,300 as principal sum, as shown in the Certificate of Taxation issued on 7/8/2025 plus interest from 2/9/2025 when the Certificate of Taxation was served on the Respondent.



4. It is stated that the Certificate of Taxation was served on the Respondent on 2/9/2025 and service acknowledged on the same date by the Respondent by stamping.
5. In the Notice of Motion in HCCCMISC/E677/2025, the Applicant is seeking judgment in the sum of Kshs170,150 being the principal sum taxed as per the Certificate of Taxation issued on 7/8/2025 plus interest from 9/9/2025 the date the Certificate of Taxation was served on the Respondent on 9/9/2025. Service has been acknowledged by the Respondent by stamping on a copy of the Certificate of Taxation.
6. In the Notice of Motion in HCCCMISC/E350/2025, the amount sought is Kshs 120,395 being the principal amount as per the taxed costs exhibited in the Certificate of Taxation issued on 29/05/2025.

Oral submissions

7. The four applications were argued together on 4/12/2025. In his oral submissions, Mr. Olunga, learned counsel for the Applicant/Advocate in the four matters told the court that in all the four matters the Respondent has not filed responses after service; that there is no dispute that the Applicant was instructed by the Respondent to represent it in the four matters and that the Certificates of Taxation have not been disputed nor has the Certificates of Taxation set aside.
8. Mr. Tumaini represented the Respondent/Client in the four matters submitted in opposition to the applications that the Certificates of Taxation as drawn do not give the true picture for they fail to disclose that the Applicant/Client had paid Kshs 30,000 as costs because the matters were filed in the lower courts and that there was a service level agreement between the parties.
9. Mr. Tumaini accused the Applicant/Advocate of failing to disclose the above amount during taxation and therefore the amount was not credited in the Certificate of Taxation. He argued that allowing the applications in the four matters without factoring the amount already paid would be prejudicial to the Respondent.
10. Counsel asked the court to vary the Certificates of Taxation to reflect the amount already paid and that since the costs are disputed, payment of interest is not guaranteed. He urged that interest should not be paid.
11. In a rejoinder, Mr. Olunga submitted that the Respondent had time to contest the bills of costs but failed to do so; that the Respondents was afforded time to settle the taxed costs but failed to do so and that no Reference has been filed in all the four matters.

Determination

12. I have considered the four applications. There is no response in any of the four matters. There is no evidence showing proof of payment of Kshs 30,000 to the Applicant in any of the four matters and there is no evidence of the existence of service level agreement.
13. In all of the matters, except HCCCMISCE350/2025, there is acknowledgment of service of the Certificate of Taxation by the Respondent by stamping on the copy served.
14. After carefully considering the applications, I note that the Respondent has opposed the applications without evidence to back that opposition. I therefore have no basis to grant their request to direct the Deputy Registrar to credit the Kshs 30,000 claimed to have been paid, or to find that there existed a service agreement between the parties.



15. Consequently, the applications in all the four matters are allowed as prayed. Judgment is entered in the sum of:
- a. Kshs 170,800 plus interest from 2/9/2025 in HCCCMISCE672/2025.
 - b. Kshs 83,300 plus interest from 2/9/2025 in HCCCMISC/E668/2025.
 - c. Kshs 120,395 in HCCCMSC/E350/2025.
 - d. Kshs 170,150 in HCCCMSC/E677/2025 plus interest from 9/9/2025.
 - e. Costs of the application shall be paid to the Applicant in all the four matters.
16. It is so ordered.

DATED, SIGNED AND DELIVERED THIS 24/2/2026.

S. N. MUTUKU

JUDGE

